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Title 28

EDUCATION

Part XCI. Bulletin 1922—Compliance Monitoring Procedures

Chapter 1. Overview

§101. Monitoring

A. Monitoring is a process to ensure a free, appropriate, public education for all children with exceptionalities and to assess and ensure program effectiveness for all children with exceptionalities in public schools. Students with disabilities, ages 3-21, as well as students identified as gifted and talented are included in this process.

B. The monitoring system for Louisiana, through the analysis of various quantitative and qualitative data, will focus state resources on improving educational program outcomes for students with exceptionalities through a comprehensive, data-based process. Annually, the Louisiana Department of Education (LDE) will select a list of specific variables and performance indicators for comparative purposes for all local educational agencies providing services to children with exceptionalities. This list is a combination of federally-required indicators and state performance indicators.

C. The quantitative data will be used to determine specific performance profiles for local educational agencies (LEAs) using data relative to a set of variables. Performance profiles will be issued annually. The quantitative data will be collected in relation to a set of variables selected by a statewide group of stakeholders from various agencies and entities called the Continuous Improvement Monitoring Process (CIMP) Steering Committee. This group will meet at least annually with the Louisiana Department of Education (LDE) to select only specific variables or "focus indicators" from all of the variables. The variables selected as "focus indicators" will be used to determine a LEA's performance status.

D. LEAs will be placed in one of two performance categories within one of four population groups based on the total population of students attending public schools. Upon validation of quantitative data, LEAs will be notified of their performance status. The performance categories are focus and continuous improvement.

1. LEAs designated as focus will receive an on-site compliance monitoring visit in order to review qualitative data specific to selected qualitative indicators that focus on the LEA's lowest performing indicator areas. Additional data may be reviewed prior to and during the on-site visit.

2. The LEAs designated as continuous improvement will not be targeted to receive an on-site compliance visit. Some districts may be required to develop a corrective action plan because of triggers within the data that signify concerns such as when the performance of students with

disabilities is disproportionately below the state average in any of the required performance indicators. These performance indicators include, but are not limited to suspension, diploma, dropout, and state-wide assessment rates. Through the LEA application process and self-review summaries, LEAs will, for that year, document and track improvement strategies. This documentation will include, not only the allocation of monies in the LEA grant application to target corrective action specific to noncompliance issues revealed in the LEA's self-review summaries, but also written documentation and tracking of other means of corrective action the LEA has taken.

3. When critical issues of noncompliance are identified by means other than the performance profiles (including, but not limited to complaint logs, evaluation extension requests, and financial risk assessments), a targeted on-site compliance monitoring visit of the LEA may be required by the LDE.

E. Annually, there will also be selected at random a group of LEAs which the LDE will visit for an on-site compliance review. The on-site review for the LEAs designated as random will include a review of a sampling of the qualitative indicators for all special education compliance areas. Eight will be chosen from the continuous improvement category.

F. Embodied in this process are proactive measures of self-evaluation, support, and technical assistance to ensure compliance with all regulatory requirements at the federal and state levels. Findings from data analysis, as well as findings from the on-site compliance visit, will be used to determine and allocate various resources for technical assistance and support to the LEA by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30.414 (March 2004), amended LR 31:3104 (December 2005).

§103. Authority

A. The authority for monitoring is found in the following regulatory documents.

B. Individuals with Disabilities Education Act (IDEA), 20 USC, Chapter 33.

C. Federal Regulations for the Implementation of IDEA, 34 CFR Part 300, 301, and 303.

D. U.S. Education Department General Administrative Regulations (EDGAR).

E. Education of Children With Exceptionalities Act, R.S. 17:1941 et seq.

F. Regulations for Implementation of the Children with Exceptionalities Act, R.S.17:1941, et. seq., Bulletin 1706: Part A, Regulations for Students with Disabilities and Part B, Regulations for Gifted and Talented Students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004).

§105. Local Educational Agencies (LEAs)

A. Local Educational Agencies (LEAs) to be monitored are:

1. city or parish school systems;
2. special school district;
3. state board of elementary and secondary special schools;
4. Type 2 and 5 Charter Schools; and
5. University Laboratory Schools not under the administration of a school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005).

§107. Corrective Action and Sanctions

A. The LDE has the responsibility to monitor all public educational agencies with programs for exceptional children within the state for compliance with applicable state and federal laws, regulations, and standards.

B. The LDE is authorized to take actions necessary to ensure compliance. Failure on the part of a participating agency to comply may result in the LDE withholding funds from the said agency. The affected agency will be afforded an opportunity for a hearing.

C. Each LEA monitored and found to have non-compliant findings will be required to develop a corrective action plan (CAP) after receipt of the LDE's monitoring report in collaboration with the LDE. The CAP shall be submitted to the LDE within 35 business days of receipt of the monitoring report for approval. However, upon receipt of the report, the LEA shall immediately begin correcting the non-compliant findings documented in the report. Based on a one-year timeframe, the plan will address the activities the LEA will implement to correct the areas of non-compliance identified during the on-site visit.

D. The progress toward completing the activities in the plan will be tracked by the LDE to determine if the timelines are being met. LEAs will submit evidence and data as requested by the LDE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan. Based on a review of submitted evidence, the LDE will decide whether the LEA has met compliance requirements or a follow-up, on-site visit must be conducted to determine if the LEA has made systemic changes to

correct non-compliant issues addressed in the corrective action plan.

E. A written report of the findings from a review of the submitted evidence or from a follow-up visit will be issued to the LEA by the LDE within 30 business days of the review of the evidence or the on-site visit. When the Corrective Action Follow-Up Report for a LEA indicates that the LEA has remaining non-compliant findings, and there is not sufficient documented evidence provided within the mandated timeframe, the LEA will receive a letter directing the LEA to submit additional information within thirty business days to prove the deficiencies have been corrected and informing the LEA of the possibility of sanctions if the issues are not immediately corrected.

F. At the end of the 30 business days in Subsection E above, if the LEA has not produced sufficient data to indicate that compliance has been met, the LDE shall impose further corrective action and sanctions on the LEA.

G. When an LEA has not produced sufficient data to indicate that compliance has been met through the approved Corrective Action Plan, the department will require that an Intensive Corrective Action Plan (ICAP) be developed by the LEA in collaboration with the department to address the continuing non-compliant findings. In conjunction with the implementation of the approved plan, the department will take one or more of the following sanctions described below.

NOTE: These sanctions are not on a continuum but can be taken at any time based on the severity of the continuing non-compliance.

1. Direct the LEA to present the ICAP to the local school board for approval.

2. Direct the LEA to use IDEA Part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the department of the specific funds targeted for areas of non-compliance. The department will monitor the expenditure of such funds on a consistent basis.

3. The department will appoint a special consultant or management team to oversee the intensive CAP, which will be funded at the local level. The CAP appointment of the special consultant or management team must be submitted to the local school board.

4. Identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA Part B grant. The department will impose one or more of the following special conditions.

a. For each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA Part B grant until the department determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.

b. Seek to recover funds under Section 452 of the General Education Provisions Act.

c. Withhold, in whole or in part, any further payments to the LEA under this part pursuant to Subparagraph a.

d. Refer the matter for other appropriate enforcement action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3105 (December 2005).

§109. Components of the Continuous Improvement Monitoring Process

A. The monitoring system will be implemented as a process that includes various components. This process will be comprehensive and continuous to include the use of various data sources. The monitoring system will be an ongoing process through the use of different components, rather than a cyclical process occurring on a scheduled basis.

B. The monitoring system will incorporate and utilize strategies and components as listed below.

1. Analyze self-review summaries completed at the local level, which are integrated to review the appraisal process as it relates to the development and implementation of programming, as well as review programming issues.

2. Analyze current data elements and databases that are captured by the LDE and are directly related to student outcomes.

3. Analyze the LEA grant application to track and monitor the allocation and use of Part B funds targeted to address priorities revealed through previous data sources in the monitoring process, as well as policy and procedural assurances.

4. Review complaint management logs regarding specific complaints in individual LEA.

5. Analyze Extended School Year Program data.

6. Analyze Annual School Report data.

7. Analyze district and school accountability profiles.

8. Analyze FAPE tables and other mandated federal data reporting (i.e., personnel tables, child count data).

9. Review ongoing fiscal monitoring of the use of Parts B funds through on-site visits and project completion reports.

10. Analyze Pupil Progression Assurances/Reviews.

11. Review personnel files and training documentation.

12. Track corrective action on noncompliant issues and validate previous corrective action reviews, documentation, and on-site reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005).

§111. Purpose

A. The LDE has the responsibility to ensure that each participating agency in the state is in compliance with all applicable federal and state laws, regulations and standards required for the provision of a free and appropriate public education for all exceptional children for whom each is legally responsible. To fulfill this responsibility, the LDE has established a purpose for conducting monitoring, as well as procedures and strategies that provide ongoing monitoring activities. The procedures provide continuous and comprehensive monitoring of all aspects of special education including the following:

1. child identification;
2. demographic and disproportionality issues;
3. screening, intervention, referral, and evaluation process;
4. program, services, and placement implementation for students with disabilities three through twenty-one years of age;
5. program, services, and placement implementation for gifted/talented students;
6. professional development; and
7. fiscal requirements relative to programmatic issues of local educational agencies.

B. In Louisiana, the purpose of compliance monitoring is three fold:

1. to enforce legal requirements;
2. to ensure program effectiveness; and
3. to ensure corrective action, when needed, has been taken.

C. The information obtained as a result of the monitoring process will be utilized in the following ways:

1. to improve outcomes for all children with exceptionalities;
2. to direct initiatives statewide; and
3. to direct statewide personnel development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005).

Chapter 3. Operational Procedures for Compliance Monitoring

§301. Focus Monitoring

A. All LEAs are placed in performance profile categories on an annual basis. The performance profile is based upon an analysis of quantitative data collected by the LDE.

B. Monitoring will focus on the variables selected annually as focus indicators. LEAs will be profiled on the

focus indicators in defined population groups. On-site visits will be determined based on performance profiles rather than on cyclical scheduled on-site visits. LEAs designated as focus will be subject to on-site compliance visits.

C. A group of school LEAs will be selected at random for on-site compliance visits. A sampling of the qualitative indicators from each area will be reviewed in these LEAs.

D. LEAs not identified as focus or random will be classified as continuous improvement. These will not be subject to on-site visits. The identification of non-compliant issues and corrective action necessary to remedy these issues in continuous improvement LEAs will be tracked by the LDE through the validation of the self-review process in these LEAs.

E. In the event that critical issues of noncompliance are identified by means other than the performance profiles (including but not limited to complaint logs, evaluation extension requests, and financial risk assessments), targeted on-site compliance visit of the LEA may be required by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

§303. Timelines

A. Before the start of each monitoring cycle, each LEA will be issued a performance profile and a designation into which category the LEA fell. Within two weeks after the designations are made, a schedule of on-site visits will be issued to LEAs designated as focus and random.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

§305. On-Site Visits

A. On-site visits will be conducted by teams of qualified individuals with training and experience in the program areas that they will be monitoring.

B. Non-employees selected to serve as team members will be initially required to receive a minimum of 16 hours of professional development specific to conducting on-site monitoring, conducted by the LDE, with follow-up training on an annual basis. In addition, team leaders, serving in coordination with staff team leaders, will be required to receive 32 hours of professional development specific to leadership, investigative techniques for specific regulatory areas, and assimilating data for report writing conducted by the LDE, with follow-up training annually and throughout the year as determined by the state monitoring coordinator. Participants will receive a certificate that indicates their completion of the required annual professional development activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

§307. Regulatory Issues Reviewed On-Site

A. For focus category LEAs, the regulatory issues and qualitative indicators reviewed will be specific to the variables targeted in the LEA's performance profile. These visits will focus on selected issues. In the event that other critical issues or triggers are identified by means other than the performance profiles, the LDE will direct the team to monitor those issues for non-compliance. These other means may include, but are not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

B. For random category LEAs, the on-site team will review a sampling of qualitative indicators from each of the variables on the performance profile, and any other critical issues or triggers identified by other means including, but not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

C. The LDE will reserve the right to direct the team to review any and all regulatory issues that indicate non-compliance status in a LEA.

D. Data for the following major regulatory issues will be analyzed, reviewed, and utilized in the self-review and on-site monitoring process:

1. child identification;
2. individual evaluation;
3. IEP development;
4. provision of a free, appropriate, public education;
5. participation in statewide assessment;
6. transition at different programming levels;
7. placement in the least restrictive environment;
8. professional development and personnel standards;
9. program comparability (ASR);,
10. facility accessibility and comparability;
11. procedural safeguards;
12. extended school year programming;
13. discipline procedures; and
14. gifted and talented services and programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3107 (December 2005).

§309. Activities Conducted Prior to the On-Site Visit

A. Prior to the on-site visit, quantitative data collected by the LDE specific to the LEA will be reviewed and analyzed, and will include the following:

1. self-review data submitted by the LEA;
2. performance profiles;
3. LEA Application for IDEA Part B funds;
4. complaint logs and due process hearings relative to the LEA;
5. files/logs indicative of technical assistance provided to the LEA by the LDE;
6. annual school report data;
7. information relative to the state's accountability system which is school-site specific;
8. school improvement plans;
9. data relative to statewide assessment for participation and performance;
10. data derived from the District Composite Reports;
11. information relative to certifications and professional development activities provided to personnel and parents; and
12. any other data the LDE determines is necessary to review as part of a comprehensive data review of the LEA.

B. The LEA supervisor/director of special education will be contacted, if necessary, for clarification of any concerns regarding the data. The data analysis will determine the locations within the LEA to be visited, the number and types of records to be reviewed, the methods that will be used for validation of qualitative issues during on-site visits, and the composition of the monitoring team.

C. A meeting with the selected team members will be conducted to:

1. summarize, analyze, and review the school system's data;
2. review the specific qualitative indicators relative to the focus indicators that will be targeted in the on-site monitoring visit;
3. discuss any unique circumstances or issues regarding the on-site visit to the LEA;
4. answer any questions or concerns of the team members;
5. discuss, review, and instruct the team on the various methods to be used in validating the qualitative data during the on-site visits; and
6. make team member assignments for specific site visits and record reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

§311. Activities Conducted During the On-Site Visit

A. The monitoring team will meet briefly with the representatives of the LEA to discuss how the visit will be conducted and to discuss any logistical or travel issues of concern.

B. The parent team member will conduct a parent focus group meeting and interview parents to collect data/information on their satisfaction of the services provided to their children and their involvement in their children's program.

C. Team members will visit sites, make observations, review records, and interview personnel. Student input will be collected through a student focus group meeting or interviews.

D. A member of the team will meet with the LEA special education director to review administrative issues. Additional data/information may be requested if further analysis is required for determining compliance status for specific regulatory issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

§313. Activities/Procedures at the Completion of the On-Site Visit

A. At the completion of the on-site visit, the team will meet to discuss, review, and analyze the team findings and to summarize their findings on LDE-issued forms. A department staff team member will meet with representatives of the LEA at the conclusion of the on-site visit.

B. A preliminary draft of a Summary of Findings will be compiled no later than 10 business days after the completion of the on-site visit.

C. The LDE will mail the Summary of Findings to the LEA no later than 60 business days after the completion of the on-site monitoring visit.

D. Upon receipt of the report, the LEA will have 20 business days from the date of receipt of the report to respond to any findings, and 15 additional business days to develop a plan of corrective action to address non-compliant findings described in the summary.

E. The LEA, in collaboration with the LDE, will be required to design a corrective action plan that defines specific supports and resources that the LEA must have in order to implement the corrective action plan.

F. Timelines must be developed that are specific to the corrective action required and to the issues found to be in non-compliant status. The LEA must return the report to the LDE in hard copy and electronically.

G. The LDE will allocate resources from the state level, both human and monetary, when determined necessary by the LDE and the LEA in question, on an annual basis to

address the issues specific to implementing the corrective action required in LEA.

H. If the LEA does not accept the findings, there will be a period of 10 business days allowed for discussion and clarification of the findings and discussion of needed corrective action to become compliant.

I. If acceptance of the report by the LEA is not reached within the established timelines, the State Director of Special Education will, within five business days, notify the State Superintendent of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

§315. Validation of Corrective Action

A. Upon receipt of the approved compliance document, the LEA must begin to submit documentation of completed activities from the corrective action plan agreed upon by the LEA and the LDE.

B. Corrective action timelines established in the report will be tracked to determine corrective action has been taken and to verify compliance by the LDE.

C. All corrective action must be completed in accordance with the timelines that relate to each specific non-compliant issue. Documentation must be submitted to the LDE within the required timelines.

D. The LDE will conduct, when necessary, an on-site visit in the year following the initial on-site visit, or sooner if deemed necessary by the LDE, to validate the documentation of the implementation of the corrective action and to validate systemic change of non-compliant issues.

E. The LDE will notify the LEA in writing when all corrective action has been accepted as completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005).

§317. Self-Review Conducted at the Local Level

A. A locally conducted annual self-review will be an integral component of the entire monitoring process. The data collected in the self-review will be analyzed to help the LEA and the LDE identify areas of non-compliance, as well as levels of support and technical assistance needed at the local level. Corrective action timelines established in the self-review report will be evaluated by the LDE in order to determine the LEA's effort and commitment to making valid systematic findings and developing corrective action that will result in the required evidence of change.

B. LEAs will use set procedures for conducting self-reviews of compliance standards.

1. LEAs will identify the sites to be included in the self-review. LEAs should use the procedures identified in their LEA application to identify the numbers of sites.

2. The identified sites must represent a cross section of all exceptionalities served and include a sample of each service delivery model used in the LEA.

3. A minimum of five percent of the records of children with exceptionalities must be reviewed, along with the use of other methods and strategies for determining compliance status.

4. The local monitoring team will be designated at the local level.

5. The team should include personnel from the service setting such as general educators, parents, and administrators.

6. The team will be trained on procedures and strategies for conducting a self-review relative to special education regulatory compliance standards.

7. All self-review activities will be coordinated by the local LEA.

8. The LEA will be required to monitor the same regulatory issues for State and Federal regulations as monitored by the LDE.

9. As part of the self-review, the team will gather information from families of students receiving special education services regarding their satisfaction with their children's program and services, and their involvement in their children's program. This information may be gathered through focus meetings, interviews, or surveys.

10. The LEA providing services will summarize the findings and compile a report to include:

a. summary of non-compliant issues; and

b. a corrective action plan for correcting deficiencies and a timeline for completing a corrective action.

11. The report of findings will be submitted as part of the annual LEA Application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005).

Chapter 5. Fiscal Monitoring

§501. Introduction

A. There are three distinct types of fiscal monitoring performed by the State Department of Education, Division of Education Finance, pertaining to Special Education Programs:

1. on-site fiscal reviews of sub recipients;

2. verification of compliance applicable laws and regulations for non-supplanting, maintenance of effort,

excess cost and other financial information during the award period; and

3. verification of the accuracy of the child count.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004).

§503. On-Site Fiscal Reviews of Subrecipients

A. There are two main purposes that on-site fiscal reviews accomplish. The first purpose is to verify the completeness, accuracy, and validity of reimbursements of program funds received by sub-recipients (local educational agencies, state agencies, or universities.) The other purpose is to ensure that these reimbursements of program funds were made in accordance with applicable federal and state laws, regulations and guidelines.

B. Subrecipients are selected for on-site fiscal reviews on a cyclical basis. There are also requests by Division of Special Populations program staff to perform on-site reviews of sub-recipients. Subrecipients that terminate participation in Special Education programs, also have on-site reviews performed

C. Subrecipients will be contacted and the on-site reviews will be scheduled. A letter from the Audit Supervisor of the Federal Audit Section will confirm this contact. This letter will include the starting date and location of the fieldwork, the number of auditors that will perform the fieldwork, the scope of the review (fiscal years and projects to be reviewed), and the records that will be required for the fieldwork.

D. Fieldwork may last for varying lengths of time. The length of time the fieldwork could take will be determined by several factors. These factors include, but are not limited to, the number of fiscal years to be reviewed, the number of projects to be reviewed, the records available for review, the accounting system of the subrecipient, the auditor's access to these records, previous review findings and their resolution, and any current findings that are discovered.

E. The fieldwork will include, but not limited to, the examination and review of the grant award, including the budget and all expenditure categories on the reimbursement claims for which sub recipients received reimbursement. These categories are as follows:

1. salaries;
2. employee benefits;
3. purchased professional and technical services;
4. other purchased services;
5. supplies;
6. property;
7. other objects; and
8. other uses of funds.

F. At the end of the fieldwork, the auditors will meet with the subrecipient in an exit conference to discuss the review results including any findings.

G. A preliminary report will be prepared and sent to the subrecipient. The Federal Audit Section Audit Supervisor signs this preliminary report, which is then mailed to the subrecipient. The subrecipient has fifteen business days from the date of the preliminary report to respond to any findings. Subrecipient responses are examined to determine whether the findings should be adjusted and/or eliminated from the preliminary report. If no response is received, then the report is considered accepted by the subrecipient. After either of these two instances has occurred, a final report will be sent to the State Superintendent of Education for signature. Once signed, it will be returned to the Federal Audit Section and mailed to the subrecipient with a copy forwarded to the Division of Special Populations. The letter will instruct the subrecipient to contact the Division of Special Populations for audit resolution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:420 (March 2004).

§505. Verification of Compliance Applicable Laws and Regulations for Non-Supplanting, Maintenance of Effort, Excess Cost and Other Financial Information During the Award Period.

A. Local education agencies (LEA) must annually prepare and submit Non-Supplanting, Maintenance of Effort and Excess Cost Verification forms to the Division of Education Finance by April 15 of each year. Approval of the LEA application and budget for Special Education program funds is contingent on the receipt and verification of the items and amounts reported on these forms. Verification of compliance by LEAs with Non-Supplanting, Maintenance of Effort and Excess Cost laws and regulations is performed. The amounts reported on these forms are also verified. This verification process uses the prior year Annual Financial Report (AFR) and current year budget along with the Excess Cost and Non-Supplanting forms submitted by the LEAs. Once compliance with applicable Non-Supplanting, Maintenance of Effort and Excess Cost laws and regulations has been determined, the forms are forwarded to the Division of Education Finance, Federal Budget Section.

B. Other special education program financial information is also verified as to accuracy and correctness by Division of Education Finance Federal Audit Section staff. These verifications may be conducted at the request of Division of Special Populations staff, sub recipients, and other governmental agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:420 (March 2004).

§507. Verification of the Accuracy of the Child Count

A. SBESE establishes the policy to seek to recover any funds made available under IDEA-Part B or the Minimum

Foundation Program for services to any child who is determined to be classified erroneously as eligible to be counted.

B. Determination of eligible children will be accomplished through the verification procedures of the LDE regarding the accuracy of the Child Count. In order to verify the accuracy of each count submitted, the LDE will conduct the following activities.

1. The current Child Count from each LEA will be compared with the previous count. In addition, the current Child Count incidence figures from each LEA will be compared with incidence figures from the previous State Child Count.

2. An on-site monitoring visit to verify the accuracy of the Child Count will be conducted in selected LEAs each year. If necessary, each LEA can be monitored for the previous years to verify the accuracy of the Child Count. During the monitoring of each LEA, the monitors will select at least ten names from the Child Count Report. The LEA must provide the student's name, date of birth, evaluation report, IEP, class rosters, and any other information that may be necessary to verify the accuracy of the count.

3. Administrative on-site reviews are conducted in selected LEAs each year. Any multi-disciplinary evaluation reviewed and found not to be in compliance with State guidelines, to the extent that it cannot be determined that the student is a student with a disability, will result in the exclusion of that child from the child count.

4. If a child's IEP is monitored during the on-site review process and it is determined that the child is not receiving the special education and related services specified on the IEP, the child will be excluded from the Child Count.

5. The LEA will be afforded an opportunity to present supportive or explanatory documentation to refute the LDE

findings. If the evidence cannot justify the count, the count will be disallowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:420 (March 2004), amended LR 31:3108 (December 2005).

§509. Recovery of Funds for a Misclassified Child

A. If the LEA has received funds based on an erroneous count and the LDE has documented the extent of the error, the LDE will either reduce the grant award if the error occurred in the current budget and all of the funds have not been expended or request that the LEA return such funds. In the event the LEA refuses to comply, within 10 business days these procedures will be followed.

1. The LDE will submit written documentation of the error in the count to the State Superintendent of Education.

2. Within 10 business days of this submission, the State Superintendent will request that the SBESE require the LEA to repay the funds.

3. The SBESE has the responsibility to offer an opportunity for a hearing to an LEA prior to a determination to withhold funds. (Refer to Section 955 of the Louisiana Administration Procedures Act.)

4. Funds recovered by the SDE and the SBESE will be handled within the guidelines set forth by OSEP, U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:421 (March 2004), amended LR 31:3109 (December 2005).

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